

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND FRANKS,  
Petitioner,

No. C 08-01525 SBA (PR)

**ORDER DIRECTING PETITIONER  
TO FILE AN AMENDED PETITION**

v.

D. K. SISTO, Warden,  
Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 11, 2008, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust his administrative remedies. The Court also stated:

Nothing further will take place in this action until Petitioner receives a final decision from the highest state court and, within **thirty (30) days** of doing so, moves to reopen the action, lift the Court's stay and amend the stayed petition to add the newly-exhausted claims.

Dkt. 6 at 2.

Petitioner has since informed the Court that his state proceedings had concluded; however, he did not amend the stayed petition to add the newly-exhausted claims. Dkt. 15. Therefore, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court, as directed below.

**CONCLUSION**

1  
2 1. No later than **twenty-eight (28) days** of the date of this Order, Petitioner must  
3 file an amended petition in this Court which incorporates the newly-exhausted claims he  
4 intends to raise in federal court. The Court will lift the stay on the date that Petitioner files  
5 his amended petition. Petitioner must submit the amended petition on the attached blank  
6 habeas petition form, clearly label the petition as the "Amended Petition," and write in the  
7 case number for this action -- C 08-01525 SBA (PR) -- on the form. He should also attach to  
8 his amended petition a copy of his petition to the California Supreme Court, if the document  
9 is available to him. **If Petitioner fails to file an amended petition within the prescribed**  
10 **period, the Court will dismiss this action without prejudice for failure to prosecute.**

11 2. The Clerk of the Court shall send Petitioner a blank § 2254 habeas petition  
12 form.

13 IT IS SO ORDERED.

14 DATED: 4/30/2014

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge